

Senate Bill 964

Sponsored by Senator WINTERS; Representative SCHAUFLEER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes defendant in construction defect action liable to prevailing residence owner for delay caused by defendant seeking joinder of another defendant.

A BILL FOR AN ACT

1
2 Relating to construction defect actions.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. If a residence owner complies with ORS 701.560 to 701.595 and subsequently**
5 **brings a court action for a construction defect, the amount awarded to a prevailing residence**
6 **owner by the court shall include interest for the period of any postponement a defendant is**
7 **granted to seek joinder of another defendant in the action. The interest for the period of**
8 **postponement is payable by the defendant that was granted the postponement. Unless the**
9 **court determines that a higher rate or specific amount is justified, the court shall calculate**
10 **the interest for the period of postponement using the rate described in ORS 82.010 applied**
11 **to the total net damages awarded against all defendants. The court shall include the interest**
12 **for the period of postponement in the money award statement of interest that is owed as of**
13 **the date the judgment is entered in the register. The court shall make the amount included**
14 **in the money award statement of interest under this section a part of the judgment balance**
15 **or balances upon which interest accrues after entry in the register.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.